LIBERATION NEWS SERVICE

#504 February 24, 1973

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credit: LNS See story page 3

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Wreckage of a U.S. bomber plane
Thai mercenary soldiers captured by Pathet Lao

p-2 Assorted graphics: prisoners behind bars; equal time/equal pay; wreckage of a B-52; Ruchell Magee on roof of court; woman tied up in motherhood.

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Chi Minh Trail. But the extent of the bombing makes his assertion laughable. As one refugee explained:

"In August, 1969, the jets bombed. Nang Phy Sii, my daughter-in-law, was in a trench. A bomb landed nearby, killing her father and wounding her mother and two other villagers...Soldiers? Oh, they didn't come near the villages. They knew they'd be bombed."

"There wasn't a night when we thought we'd live," explained another refugee. "Did our children cry? Oh, yes, and we did also...I used to repeat, 'please don't let the planes come, please don't let the planes come, please don't let the planes come..."

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(Thanks to the Indochina Research Center for help with this article.)

* * *

from page 12----------

jurors that if they had had the jail experience that Magee had had over the last ten years, they too would have tried to flee the courtroom once the situation presented itself.

In regards to this particular point, former Attorney General Ramsey Clark is attempting to enter the case. Already the trial judge has refused to grant him co-counsel status, but Clark is now in San Francisco to personally ask that he be admitted.

If granted co-counsel status, Clark will question psychiatrists and others familiar with prison routine and behavior about the effects of prison life on people. But if Clark is refused co-counsel status, he will appear himself as a witness to testify about what his research into prison life has revealed and to corroborate Carrow's agrument that it was only natural that Magee join in what Carrow called "a walk to freedom."

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IF YOU ARE MISSING A PAGE OR GET A BADLY PRINTED GRAPHIC, LET US KNOW AND WE'LL SEND YOU ANOTHER SOON

U.S.-BACKED GREEK JUNTA FACES FIRST WAVE
OF SOCIAL PROTEST IN FIVE YEARS:
STUDENTS SAY "FASCISM WILL NOT PASS!"

LIBERATION News Service

ATHENS (LNS) -- A strike of Athens University students that began in mid-January has developed into a series of massive militant demonstrations, the largest in Greece since the 1967 military coup that took control of the Greek government.

On February 14 in the largest of the demonstrations, many students were beaten when they clashed with police in downtown Athens. Over 100 were arrested.

During the wave of strikes and demonstrations that has affected universities in Greece's four main cities -- Athens, Salonika, Patras, and Janena -- students have demanded the removal of government commissioners in the universities, the right to freedom of speech in the classroom, the right to elect leaders for student organizations to replace the government-appointed officers, the repeal of a law passed on February 12 providing automatic conscription for those students whom the ruling Greek colonels brand as agitators, and a voice in long-term policies in education.

The strike began at the Athens Polytechnic School where less than 5% of the student body has been attending classes for over three weeks. Both medical and law students have since joined the strike after the police arrested 11 during a protest meeting and beat students during the February 14 demonstration.

Then on February 20, over 4,000 law students barricaded themselves into the law school of Athens University. Although some of them said they planned to remain indefinitely, they ended the 30 hour occupation when university professors agreed to communicate their demands to the dictatorship. A 10-day truce has been called.

The law school had already been occupied once in the past week when students gathered to protest the automatic conscription of over 80 students who were ordered to give up their studies and report for 24 months of military duty under the new decree. According to a government statement, the draft deferments were being revoked from students who used them "for activity concealing objectives alien to education." There is no defense and no appeal against the measure.

The law students had occupied two stories of the law building, showering the police who had surrounded the building with handwritten leaflets which said: "Down with the decree," and "Fascism will not pass!"

It was after they left the building and met a force of over 400 police swinging sticks, that the students were beaten and arrested.

At present 97 have had their student deferments revoked.

These strikes and demonstrations are the culmination of student protest activity that began last April 21, the fifth anniversary of the 1967 coup. Students then demonstrated for the first time in five years. Despite martial law and the illegality of any public gathering, students took to the streets for two days to demand the right to elect their own representatives in student government, and in the National Union of Students.

Following these protests which spread to universities throughout Greece, the ruling junta (military dictatorship) issued a special decree for "national security" which ordered police to disperse all demonstrations and called for the use of firearms against demonstrators, as well as clubs and tear gas.

Yet strikes continued to sweep the universities in late April and early May, calling for free elections of student governments. The strike lasted three months at the Athens State Mechanical School. Hundreds of students were arrested, and the British Manchester Guardian reported at the time that many were tortured.

Last summer the Greek courts finally ordered that elections must take place in the universities before the middle of December, 1972.

Elections for representatives in student governments of all the universities were finally held on November 20. Less than 30% of the student bodies had even been able to register to vote prior to that time, and many of those were prevented from voting or boycotted the election in protest.

On the day before the election the government moved to clamp down on students getting loans from the state. A law was passed that "any student who receives a loan to attend university must prove his patriotism beyond doubt in order for his loan to be renewed. Scholastic achievement does not automatically guarantee the renewal of the loan." (Only 22% of those high school students who apply to Greek universities are admitted. And those that are must show a clean -- that is, pro-government -- ancestry as far back as their grandfathers.)

Students were arrested before the election, in particular some anti-government students who had been running as candidates.

Only a few days before the actual election, the junta-appointed Union of Students issued a statement viciously attacking the students -- the overwhelming majority -- who were campaigning to ensure fair and impartial elections. According to a Swiss newspaper, the Union of Students worked under direct instructions from the colonels.

The Manchester Guardian reported that when a law students' demand to keep an eye on the election was denied, the majority of the student body refused to vote and took over the law building. And the London Times reported fights with police and arrests resulted in the Athens Polytechnic School when candidates unfriendly to the junta urged people to boycott the polls, on the grounds that their requests for guarantees on the fairness of the elections had been rejected.

In one university in Pandeios, only 100 students voted, 55 of whom voted for pro-government candidates.

The results of the election produced student governments with pro-junta members in a majority of

cases. In those cases where anti-government candidates were elected, they have since resigned to protest the elections.

* * *

The military dictatorship which the Greek students are protesting is an especially formidable adversary when you look at the role the U.S. has played in actually carrying out the coup of 1967, and subsequently supporting it to the hilt. In fact the U.S. has played a powerful and significant role in the internal political life of Greece since the end of World War II.

On March 12, 1947, President Truman presented to Congress a message that has since come to be known as the Truman Doctrine which laid out the rationale for American economic and military aid to Greece that has essentially remained the same up to today.

"The very existence of the Greek state is today threatened by the terrorist activities of several thousand armed men, led by Communists... Greece must have assistance if it is to become a self-supporting and self-respecting democracy. The United States must supply this assistance."

The message went on to declare that an "independent " Greece was essential in maintaining order throughout the Middle East, and to request $400 million in emergency aid to Greece and Turkey.

As a result the U.S. landed troops in Greee in 1948 to take over a war that the British were unwilling to continue against an indigenous guerrilla resistance army, under the leadership of the Greek Communist Party. The Greek National Liberation Army had successfully fought the Nazis and was the only cohesive force in the post-war Greek society able to govern with a popular base. But with massive American aid against it, the Greek left was finally defeated in 1949.

According to Andreas Papandreou -- a Minister in the Greek government overthrown by the military coup of April 1967 -- in the decade following the war, "American servic-s put together the (Greek) state and infiltrated it to its very core."

Greece became the training ground for America's counterinsurgency program. In fact, Greece was where the Office of Strategic SErvice (OSS) was transformed into the present day CIA. According to Papandreou, the Greek intelligence agency was "both administered and financed directly, not via the Greek budget, but by the American CIA."

The coup of April 21, 1967 was carried out by five junior officers, three of whom had been in the Greek intelligence service. George Papadopoulos, the present Prime Minister, was "the liason man between the Greek CIA and the American CIA. In fact he is the first CIA agent to our knowledge to be Prime Minister of a European country," Papandreou said.

Papandreou even asserts that during the coup, leadership "was provided by a group of American CIA officers in Greek uniforms."

Since the coup Greece has become a training center for world countinsurgency. According to Papandreou, the Cambodian officers who overthrew Sihanouk, and the Ugandans who overthrew their government were trained by the Greek colonels. And they are also now guiding the neo-fascist paramilitary groups of the Italian right.

The plan for the coup had been developed in Washington under the code name, Prometheus. The decision to carry out the coup, according to columnist Marquis Childs, was made by a subcommittee of the U.S. National Security Council in February 1967 under the chairmanship of Walt Rostow.

Since 1946 the United States has poured out $1.9 billion in military aid to Greece and $198 million in economic assistance. In return the various Greek governments from 1953 to the present have provided "rent-free" land for over twelve American military installations.

In 1972 alone President Nixon asked Congress

TOM PAPPAS: A POWERFUL GREEK AND A POWERFUL AMERICAN

Private investment is another major American input into Greece. U.S. investors have since 1953 provided about 40% of the country's foreign capital, and American dollars also comprise 60% of Greece's foreign earnings.

The name to remember and just about the only name in American investment in Greece is Tom Pappas. "The Pappas interests," reads a memorandum of the House Foreign Affairs Subcommittee on Europe, "account for fully 75% of the total U.S. private investment and 54% of actual capital exports to Greece."

Pappas counts above all as the man who brought the $166 million Esso refinery to Salonika, one of the only two refineries in the country. He also brought Coca-Cola to Greece, and he is the man who has obtained monopoly rights to 19 industries in Greece, from petrochemicals to food to steel.

In 1956 Pappas was finance manager of the Eisenhower campaign, and he was also one of Spiro Agnew's biggest campaign contributors when Agnew ran for Governor of Maryland.

It also figures that he played a very big role in getting Spiro the vice-presidential nomination. According to a Ramparts article published last spring, it was suggested that if "Agnew were given the nomination Pappas could raise big money from Greek-Americans." Pappas seconded Agnew's nomination at the 1968 Republican Convention, and as a member of the Republican National Finance Committee, he has been able to raise over a million dollars for the Republican cause, according to Republican Party estimates.

Pappas is so big in Greece, that, to the embarassment of U.S. Embassy bureaucrats, he has become the official host for top Americans visiting Greece. Nixon's brother, Donald, who works for the Marriott Corporation went the Pappas route when he arrived in Athens to arrange a catering contract between Marriott and Olympic Airways.

And in 1968 in an interview with the Greek press, he announced that he was proud to be a member of the CIA, and that every good American should join him.

to provide Greece, in "the overriding requirements of U.S. national security," with a program of $20 million in military grants, $55 million in military credit sales, and $38 million worth of excess military weapons stock.

Unpublished but official estimates in Athens show that the U.S., according to the Washington Post, contributed an additional $150 million out of $450 million worth of NATO projects in electronic security networks.

In the Greek Military Aid Mission there are 15 technical representatives of such firms as RCA, Lockheed, Pratt and Whitney and General Dynamics to service the complex military computers and radars that have been given or sold to Greece.

According to the Washington Post, through loopholes in the official embargo on military aid, the Greek junta as of 1971 had received more military assistance from the U.S. than in the previous four years before the coup.

It was all summed up neatly by former Secretary of Commerce and Finance Chairman of the Committee to Re-elect the President who told the Greek junta in Athens in 1971, "in no country is American investment protected so well, and in no country are better terms being offered than in Greece."

* * *

At noon on March 3rd there will be a march in New York to protest the repression of the Greek students. It is being organized by Demokratia, a Committee of Anti-Dictatorial Greeks and Americans in the United States. For more information contact them at 346 W. 20th St. in New York, phone (212) 929-2390.

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(Thanks to Demokratia and Monthly Review for much of the information in this story.)

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WOMEN WIN DEMANDS AFTER BLDG. TAKEOVER AT BOSTON STATE COLLEGE

BOSTON (LNS)--At noontime on February 13, a group of about 12 women students took over the main switchboard at Boston State College to dramatize their demands that sexist policies at the school be changed. Two days later they walked out triumphantly to greet their supporters.

"We proved that women are a reality here," said one woman. "We set a precedent of women taking over and demanding change and getting support from all over the city."

Their demands were: space on campus for a women's center; the elimination of salary discrepancies; provisions for a day care center to be started; a women's studies program be enacted; and that 50% of all athletic fees be used for women (though half of Boston State's students are women, and men and women pay the same athletic fees, the women's athletic department was awarded only 12% of the total athletic budget.)

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PLEASE LET US KNOW ABOUT ANY HOT NEWS HAPPENING IN YOUR AREA. WRITE OR PHONE (212) - 749-2200 thanks

[Note to editors: See graphics section for photos of Laos to go with this story.]

CEASEFIRE AGREEMENT IN LAOS SIGNALS PATHET LAO VICTORY

LIBERATION News Service

NEW YORK (LNS)--Of the situation in Laos at this time, one thing above all else is certain. The ceasefire agreement signed in Vientiane on February 21 by the Royal Laotian government and representatives of the Pathet Lao is an overwelming victory for the liberation forces.

The five point agreement, very similar to the Pathet Lao's 5 point peace plan first announced in 1970, calls first for the "independence, sovereignty, unity, and territorial integrity of Laos," unhindered by the United States, Thailand, and other foreign countries. It also provides for the immediate cessation of all U.S. bombing and all ground fighting, and calls for the complete withdrawal of all foreign military troops from Laos within 90 days.

A National Provisional Coalition Government and a National Political Coalition Council made up equally of Vientiane government and Pathet Lao representatives will, according to the agreement, be set up within 30 days of the signing; refugees held in government-controlled camps will be able to return to their villages; and an International Commission for Control and Supervision (made up of India, Poland, and Canada) will supervise the implementation of the agreement.

The liberation forces commanded a very strong position throughout the ceasefire talks. With 2/3 of the country liberated (quite possible an underestimated figure) the Pathet Lao enjoy their strongest military position in 10 years. And the agreement leaves the Pathet Lao in 50-50 control with the Vientiane government of all remaining territory in the country.

There is considerable evidence too that this agreement is more than just signatures on paper with no hope of implementation. First is the obvious weakness of the Vientiane government headed by Prince Souvanna Phouma.

Without the devestating air support of the U.S. (Laos, about the size of New York State and New England, has been bombed more than any other country in the world), and the high pay and tough leadership that the CIA provided the "irregular" Laotian army, Souvanna Phouma is virtually without military support.

On top of that is evidence that the United States has put heavy pressure on Souvanna Phouma to sign the agreement. The reasons for this pressure are fairly straight forward.

The recent peace settlement in Vietnam and the maintanance of the Thieu government is of foremost importance to the United States at this time. To assure Thieu's stability it is crucial tha the Ho Chi Minh Trail (weaving down from North Vietnam, through Laos, and into South Vietnam) be dried up. This would greatly remove the threat of North Vietnamese troops and supplies entering the South again.

more....

Cutting off the trail together with forcing North Vietnamese troops out of Laos fits nicely into the U.S.' scheme and the Laotian peace agreement is an indication of their willingness to achieve this goal.

Under the agreement Foreign troops are not required to withdraw from Laos until the Coalition Government and the Political Council are established. It is pretty certain that the U.S. will not hinder and in fact will push Souvanna Phouma to establish these governing bodies as soon as possible so as to speed up the withdrawal of the North Vietnamese from the Ho Chi Minh Trail.

Another guarantee that the Coalition government and council will actually be formed revolves around the release of prisoners. The terms of the agreement state that U.S. prisoners will not be released by the Pathet Lao until the Political Council (formed after the Coalition Government) is a reality. In order to get the POWs back as soon as possible, the U.S. will encourage Souvanna Phouma not to stall with the liberation forces.

The U.S. was also forced into supporting a pro-Pathet Lao agreement precisely because of the liberation front's strength. Each year, despite tremendous bombing support and a large force of CIA backed counter-insurgency troops, the U.S. saw it's ally loosing more and more territory, and they didn't want to risk loosing anymore.

So, although Souvanna Phouma has threatened the resumption of U.S. bombing if the Pathet Lao do not follow the terms of the agreement, it is doubtful that the U.S. will go along at least while the Vietnamese ceasefire is still in its formative stages.

Certain sections of the 5 point agreement particularly illuminate the Pathet Lao's victory. Basically it refers to Thailand and the United States as the only foreign troops in Laos--not the North Vietnamese as the U.S. has consistently charged.

"It puts the onus of aggression directly on their (Thailand and the U.S.) shoulders," said a spokesman for the Indochina Research Center in Washington DC.

Another victory for the liberation forces refers to the status of Laotian refugees, estimated by the Kennedy Subcommittee on Refugees in Indochina to be 1/3 of the country or about 1 million people The agreement states that not only shall the refugees be free to return to their villages, but that they must be helped to return.

By far the majority of the refugees, forced to evacuate their homes because of the bombing, will be returning to Pathet Lao controlled areas of the country. And there is no question as to where their sympathies lie. The New York Times reported that once the agreement had been signed, hundreds of red, white and blue Pathlet Lao flags appeared in the huge refugee camp at Hat Dua, north of Vientiane.

The fact that the Pathet Lao has equal representation with Souvanna Phouma's government in the new Coalition will also favorably affect their control of any foreign aid that comes to Laos from the U.S. or any other country. With the Pathet Lao having equal power, Souvanna Phouma will have great difficulty in diverting any U.S. funds for the further support of his army. This will certainly make the Pathet Lao even more secure.

The U.S. Bombing of Laos: "There Was Never A Night When We Thought We'd Live Until Morning"

"What sadness! Formerly, the fragrance of ripening rice would fill the rice fields.
I would see flowers opening their blossoms everywhere in the forests
How beautiful it was for us!"
--traditional singer, a refugee from the Plain of Jars, Laos.

"The continuous hell of the bombing...compelled them to live in caves...anything that moved was hit...by 1969 the bombing became so heavy... that they had to abandon their villages...As one villager put it, 'the bombs fell like a man sowing seed.'It seems that much of the American effort is being aimed at the physical destruction of soceity as organized by the other side."
--Ian Wright, Manchester Guardian, March 4, 1970.

* * *

Laos, less than the area of New York State and New England, has been bombed more than any other country in the world, and one third of its 3 million people have been forced to evacuate their homes in order to survive.

Once lush with mountains, forests, and rice fields, Laos has virtually been reduced to rubble. In September, 1969 after a recorded history of 700 years, the Plain of Jars, an area in the northern part of the country, disappeared.

Fred Branfman who has done extensive work with Laotian refugees, reports that from 1964 to 1967, bombing of villages was relatively sporadic. But in 1968 regular bombing began, largely by American jets (as opposed to American prop planes used in the past). Raids increased considerably after November, 1968 when jets were diverted into Laos after the bombing halt over North Vietnam, and in 1969 the situation became even worse with bombing attacks occuring as often as 5 or 6 times a day.

Those that remained in heavily bombed areas retreated to caves where they conducted their lives "as usual", protected from the thousands of tons of bombs. Homes, schools, factories--all existed, and continue to exist, in caves.

The statistics are hard to comprehend: 250,000 bombing strikes a year; well over a million tons of ordnance dropped annually (mostly anti-personnel bombs) and an amount greater than that used against Germany or the Pacific theater during World War II (including the two nuclear bombs dropped on Japan).

It wasn't until 1970 that President Nixon admitted that there were indeed U.S. bombers over Laos, and even then he stated that the bombing was intended only for supplies traveling down the Ho

BOX CONTINUED ON INSIDE FRONT COVER -----

"NOT VERY MANY ARE BOTHERED BY IT": B-52 PILOT WHO REFUSED MISSION, TALKS ABOUT DECISION

LIBERATION News Service

"Remote-controlled warfare also reduces the need for emotional conditioning of the armed forces so that they can engage in face-to-face killing. With automated war, the combatants are technicians. Their powers of destruction are enormous, but their emotional involvement can be small.

"The use of complex gagetry and the acquisition of the skills to operate it successfully can endow the entire destructive process with the characteristics of a game. The mere manipulation of the machinery is absorbing and pleasurable, like playing a super-sophisticated pinball machine.

"The effects or merits of the actions are not considered; if such questions arise at all, they are dismissed as matters for high-level decision of no legitimate concern to those who execute the commands.

"With calm detachment and without being aware of it, persons can participate in the kind of indiscriminate destruction and killing, which, in the context of conventional ground warfare, has so far been classified as a war crime."

--from The Air War in Indochina, edited by Raphel Littauer and Norman Uphoff, and put out by the Air War Study Group

NEW YORK (LNS)--"The massive bombing of the North might have been the last straw and I think the step that specifically pushed me over the brink," said Captain Michael Heck. Heck, a 30-year old B-52 pilot announced to his wing commander on December 26 that he was refusing tb fly any more bombing missions.

Heck had flown 262 combat missions over Indochina. "I guess I was always basically against the policy of the war but I figured, like a lot of pilots,that lots of times you have to do things you don't agree with.

"The Calley case brought a lot of things home to me. And the case of Colonel Herbert--the guts he showed in drawing a line over what was acceptable and what was not." Heck thought it over during a 28 day leave and when he came back in September "I hung on for a month or two and then came October and 'peace is at hand'. But it was the raids up north in December, that's what did it. It was the most massive bombing in the history of warfare. I couldn't believe I was doing it."

Heck, who faced a possible court martial was give a discharge "under conditions other than honorable" instead, no doubt a move by the Pentagon to avoid any adverse publicity. Heck is currently appealing the discharge.

Though Heck is not the first B-52 pilot to refuse to fly (Time Magazine says four other pilots have refused since the U.S. started regular bombing over Indochina 8 years ago although the Pentagon has managed to hush it up) it does seem strange that so few have balked at the massive bombing of non-military targets. According to Heck, "there is a numbness about crews. The place you release the bombs is just another point on the mission. 'This point I level off, this point I climb, this point I drop the bombs....'"

According to Heck, "about half the pilots are gungho and half don't have very much enthusiasm about flying. It's something you do and go back and go to a bar."

But whether or not they agree with the war, "most pilots like the life, like the pay. Many are planning to go into jobs where the character of the discharge may hurt them."

But what about when they see pictures or are told of the destruction that the bombs cause? "Not very many are bothered by it. Most people say 'too bad it happened.' You see the flight is not very different than a training mission--there's just a little rumble below when the bomb is dropped."

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ARMY TO PROVIDE NEW RIOT EQUIPMENT TO DOMESTIC POLICE AGENCIES

WASHINGTON (LNS)--Having already supplied CIA training for police in 14 cities, the Federal government is moving into new areas of collaboration between domestic police forces and the military.

In an article in the October-November 1972 issue of Army Research and Development News, the partnership between the Justice Department's Law Enforcement Assistance Administration (the creation of Nixon's anti-crime bill) and the Army's Land Warfare Laboratory Proving ground, was revealed. Apparently the two have signed an agreement to work together on new riot control equipment.

Some of the ideas they're working on include a projector which would shoot out water-filled balls; a personnel-marker grenade designed "to mark for later identification, riot leaders and demonstrators".

Some more unusual ideas they're toying with are an itching/sneezing powder; and a "crowd-enveloping foam spray and slippery surface spray (instant banana skin)."

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"The people are only able to create and develop the liberation movement because they keep their culture alive--despite the continual organized repression of their cultural life, continuing to resist culturally even when their poltical and military resistance is destroyed."

--Amilcar Cabral, leader of the guerrilla movement against Portugal colonialism in Guinea Bissau. Cabral was assassinated by Portuguese agents on January 20, 1973. This quote appeared in a recent issue of Africa Today.

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"IT DOES NOT SEEM. . . THAT THE BOMBINGS WOULD HAVE ANY POLITICAL CONNOTATIONS;" KARL ARMSTRONG'S EXTRADITION IMMINENT

LIBERATION News Service

(Editor's note: The following article is written with much help from a longer article by Dave Wagner who covered Karleton Armstrong's extradition hearing for Takeover.)

MADISON, Wisc. (LNS)--Karleton Armstrong will petition the Supreme Court of Canada March 5 in a last bid to fight extradition to the U.S. If extradited, Armstrong faces arson and first degree murder charges stemming from the 1970 bombing of the Army Math Research Center at the University of Wisconsin in Madison. Army Math (or AMRC) was the focal point for much anti-war activity in that community because of its research work for the Pentagon.

Armstrong was caught by FBI agents in February 1972 in Canada after being underground for nearly two years. Three other men, Leo Burt, David Fine, and Karleton's brother Dwight, are still wanted for the bombing in which a graduate student was killed.

Armstrong has been fighting extradition for a long time but it seems now as though the end is near. His first extradition hearing was in June of 1972, and lasted two weeks before the court ordered the extradition to proceed. Armstrong's lawyers appealed the decision, but it was denied.

He then went before another court to ask that the Supreme Court rule on the decision, but was refused again.

This last action--appealing to the Supreme Court of Canada to hear the case--is also expected to fail, and if so, Armstrong will be in this country to stand trial two to five weeks after the high court's decision.

Ironically enough, all that Armstrong had to prove in order to stop extradition was that the bombing of the Army Math Research Center was a political act (something very few people, if any, had questioned until extradition was necessary). No admission of guilt for the bombing was necessary to present to the court, and Armstrong has not admitted to the act.

But what should have been a simple thing to prove turned out to be next to impossible due to the Canadian court's willingness to bend to the will of it's southern neighbor who has wanted the two Armstrongs, Burt and Fine for a long time.

* * *

Canada's Extradition Act holds that *"no fugitive is liable to surrender...if it appears that a) the offense...is one of a political character, or b) that such proceedings are being taken with a view to prosecute or punish him for an offense of a political character."*

So Armstrong's lawyers went about proving just that with a whole slew of witnesses and documents to back them up.

The prosecution, bent on proving first degree murder--and denying any political motive to the bombing--maintained that Armstrong bought the necessary equipment for the bombing and then drove a U-haul van full of explosives into the Army Math delivery dock.

The crux of the government's first degree murder case is that Armstrong knew that someone would be killed by the explosion because he could see a man through the lab window as he drove the van into the dock.

As the hearing proceeded however, all of the prosecution's evidence was admitted into the records while nearly all of the defense's evidence was rejected including: the communiques to Madison's underground paper Kaleidoscope, quotes in the daily press from Governor Lucey calling the bombing "a wanton act of political murder," and the testimony of historians and political activists who had participated in the movement against the military--and Army Math--on campus.

The entire 2 week hearing was one frustration after another for the defense with government witnesses dodging, and lying outright to avoid admitting the politics behind the Army Math bombing.

In one incident Armstrong's lawyer torturously questioned a Madison detective by the name of Lulling as to Army Math's role in Madison riots prior to the bombing.

DEFENSE: Was there a concerted campaign against the Army Math Research Center (on campus)?

LULLING: Not to my knowledge.

D: You didn't notice any against the AMRC?

L: Oh, I have seen various signs about, certainly.

D: Perhaps the word 'concerted' threw you off. Was there a campaign?

L: I wouldn't call it a campaign.

D: What would you call it?

L: Students letting off steam.

In another attempt to reveal Army Math's complicity with the military--and thus the reason why it was the focal point for anti-war activity on campus--the defense produced as a witness David Siff. Siff, a former University of Wisconsin English Department faculty member, had done a considerable amount of research on Army Math.

The purpose of AMRC, he testified, was to "conduct research of relevance to matters pertaining to the Army. That's number one. Two is to provide technical advice and assistance on Army projects. Three is to create a pool of scientists, a pool of mathematicians who would be readily available to the Army; and fourth...is to co-operate with the Army in their recruitment of scientific personnel."

Siff pointed specifically to a section from Army Math's 1967 annual report, deleted because it is, according to the Pentagon, "classified." The table of contents in that report, Siff said, refers to the section as a contribution of "Project Michigan, which is a multi-million dollar project

devoted exclusively to military technology in the area of infra-red research," a prime component of the electronic battlefield used in Indochina.

But the government prosecutor argued that there was no classified research done at AMRC because of an official University of Wisconsin ban on all classified research in its laboratories.

The defense countered that classified projects are broken down into discrete sub-units which do not have to be kept secret until the military reassembles the information centrally for its own purposes. This enables the university to keep its claims of "neutrality" and "value-free research" and still get huge Army grants.

But the argument did not influence the judge, Harry Waisberg.

One particularly glaring bit of bias on the part of the Canadian court revolved around the introduction of evidence which could not be cross-examined. The prosecution submitted several affadavits claiming to show that Armstrong bought all of the ingredients for the bombs, rented the van etc, and Waisberg accepted them even though, as the defense pointed out, those who provided the affidavits could not be questioned.

(This--a direct violation of the Canadian Bill of Rights--will be Armstrong's only basis for appeal with the Supreme Court.)

However, Phil Ball, a close friend of Armstrong's (and the only defense witness who actually knew the defendant and could testify to his political committment as well as to the political motives for the bombing) was not allowed to enter evidence about Armstrong's politics.

Instead, Waisberg accepted the prosecution's objections that the testimony was "self-serving evidence". What that meant was that it was evidence about Armstrong introduced through a third person (Ball) which couldn't be corroborated by cross-examining the defendant himself.

When Armstrong's lawyer objected to the judge's contradictory decision, the judge overruled him.

Apparently even the atmosphere inside the courtroom could not influence the judge's decision. Whenever Armstrong entered the room, supporters stood up to greet him with fists raised. At one point the prosecutor, slightly rattled, complained to the judge, "Your Honor, I think that I must again for the record indicate that when Mr. Armstrong came in a good 60% of the public attending this trial raised their fist in a clenched gesture to which Mr. Armstrong responded."

But the word from the judge, after a solid two weeks of grappling with the politics behind Army Math, was infuriatingly short and cool:

"The policy of the University forbids classified research to take place on campus. There is no specific work done for the Army. ROTC is retained on campus following a plebiscite and is conducted on a purely voluntary basis. It does not seem reasonable in these circumstances that the bombing would have any political connotations."

Karleton Armstrong in Jail

Karleton Armstrong has been held without bail in a Toronto, Ontario jail for one year. Most of that time he has spent in solitary confinement or segregation. In his bail application, submitted to the court in October, 1972 he wrote:

"I was first put in solitary confinement for circulating a petition protesting the arbitrary treatment of a fellow prisoner....Because of the petition, I was sentenced to.... an indefinite period in the 'hole,' the first 10 days on a restricted diet which consists of 3 bologny sandwiches (Armstrong is a vegetarian) and 3 cups of tea a day.

"During the interview with the warden I was asked about my politics, told I had no rights in jail, and that the petition was an incitement to riot....

"Segregation, where I have spent almost my entire time in prison, means that I am not allowed any contacts with the other prisoners... Frequently during my stay in segregation I was visited by administrators who offered to let me out of segregation if I would give up the right to petition and not attempt to organize the prisoners. I refused...."

About the Army Math bombing Armstrong said, "...the alleged 'crimes' which I am accused of are political acts, acts of resistance to a criminal war, a genocidal war slaughtering men, women, and children. The destruction of these war facilities are described as criminal by the worst social criminals of our time."

Armstrong's defense committees in Toronto and Madison stress the need for support particularly once he has been extradited. For more information contact either the Karl Armstrong Defense Committee in Toronto, c/o Jean Lerman, 70 Beverley St. Canada (416) 362-0571 or P.O. Box 2521, Madison, Wisconsin 53701.

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SCIENCE AND THE VAGINAL DEODORANT

WASHINGTON (LNS)--According to Dr. Michael Jacobson of the Center for Science in the Public Interest, a non-profit consumer research group in Washington, there are more scientists working to develop fruit-flavored vaginal deodorant sprays than are working on methods to detect the causes of birth defects.

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"It's the first time I've been here since the war was over," Nixon told those present at a recent Pentagon luncheon. "Let's raise our glasses....All the Defense Department wants to be is the peace force."

250 JAM HEARING ON RAISE IN N.Y. PHONE RATE TO OPPOSE EXTRA $306 MILLION FOR PA BELL

LIBERATION News Service

NEW YORK (LNS)--"The Public Service Commission doesn't represent the public, you represent big business," said Mrs. Peggy Berry of Queens, NY at a Public Service Commission (PSC) hearing February 20. The hearing was called to discuss New York Telephone's proposed rate increases. She was one of the more than 250 people who jammed into the hearing room with homemade signs and banners to protest the proposed rate hike.

One group of people, many of them elderly, had chartered a bus to get them to the hearings, which were held in downtown Manhattan in the new World Trade Center. From their homes in Co-op City, a giant middle-class housing project in the north Bronx, to the Trade Center, took more than an hour. By public transportation, the trip would be almost impossible. "The only people that it is convenient for are the AT&T executives next door," said one woman, commenting on the location of the hearings.

The phone company, claiming poverty, has proposed that phone calls made from booths be raised from 10¢ for the first five minutes to 20¢ for the first three. They also want private phone deposits raised and the single message unit, which allows you to make local calls of any length from private phones, to be abolished.

For everybody, but especially for poor people, old people and sick people, the raise (which would give the phone company an extra $306 million annually) would be devastating. "Many people's whole life depends on it," said Gabrielle Gemma, a telephone operator and a member of the Center for United Labor Action (CULA), one of the groups represented at the hearings.

The hearings, held at 11 am, attracted large numbers even though many working people couldn't come. The room was very crowded and there was no place for many to sit. So, they gathered around the hearing examiner's desk. At noon, he recessed the hearing for "lunch" even though the bus of people who had come all the way from the Bronx had to leave at 1.

So while the hearing examiner was gone, they held their own hearings testifying about how the rise in phone rates would affect them. For many old people, women with young kids and sick people, the elimination of the single message unit would cut off their only contact with neighbors, families, friends and the outside world. They also passed two motions--one to denounce the PSC and the other to demand that no rate increase be allowed.

Finally the hearing examiner came back. A number of people asked to be able to read the testimony and the two motions into the minutes of the record. When he refused, Gabrielle Gemma took the microphone and started reading the testimony. The hearing examiner called about half a dozen cops who tried to arrest her but they were prevented from doing so by the crowd. Finally all the people in the audience agreed to let the hearings proceed if some of them could stand up and give testimony.

One of the people to give testimony was John Renck, president of local 1106 of the Communications Workers of America, whose 3,300 members all work at the telephone company in Queens. He said that the $306 million wouldn't be going for wages but "toward the financing of management's anti-employee practices--towards the maintenance of their standing army of strikebreakers, toward the expansion of their company police and spy system." The telephone company has one foreman for every five workers to keep an eye on them.

According to Renck, the telephone company "is making voice recordings of some of its employees without their knowledge." The voice-prints could be used against the voices of employees to identify them for various types of disciplinary hearings.

Calling the telephone company "Big Brother", Renck said, "I suggest that the management which would subject its employees to this kind of surveillance would not hesitate to extend it to its subscribers."

The last raise in New York State, when the standard number of message units per month was reduced from 75 to 50--1 1/2 years ago--brought in $395 million to the phone company. According to Gabrielle Gemma "that money was used to buy new equipment to automate the company. Eight thousand workers were laid off and another 5,000 will be laid off by June. And the consumer pays for the fancy equipment that doesn't go to serve them--poor and working people--but to service offices and business executives."

The Public Service Commission, which is supposed to regulate the utilities--including price hikes--is actually dependent on them for its existance. Its $9,500,000 budget is paid for entirely by them (with $5,000,000 coming from the phone company). The Commission is made up of corporation lawyers, all appointed by Governor Rockefeller. The chairman of the board makes $45,000 and the other members make $38,000.

One of the things the demonstrators asked for was "to find out where the money comes from, where the money goes" between the phone company and the PSC, explained one person who was there. The Harlem Consumers Education Program had asked, in court, to see the records of the transactions between the PSC and the phone company. It was turned down.

Hearings on the rate hike have been and will be taking place all over New York State. About 200 people protested at the hearings held in Buffalo a week ago.

The Center for United Labor Action is trying to form a broad united front and would like to get in touch with other groups working against the phone companies. They are planning other demonstrations against the phone company before the PSC rules on the hike. For more information write to them at 167 W. 21st St. New York, NY, 10011.

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PLEASE TRY TO PAY US EARLY THIS MONTH--IT WOULD HELP

[Note to Editor's: See packet #490 for another article on the Morning After Pill .LNS will try to publish the complete list of universities using the M.A.P. as soon as we get it.]

FDA RULES MORNING-AFTER-PILL "SAFE AND EFFECTIVE DESPITE EVIDENCE OF CANCER THREAT

LIBERATION News Service

WASHINGTON(LNS)-- Women, beware! The Food and Drug Adminstration FDA) has unleashed the DES/Morning After Pill (MAP). In a decision handed down on February 21, the FDA ruled that the use of the synthetic female hormone, diethyl silbestrol (DES) as a "morning after pill" to prevent pregnancy would be permitted for "emergency use", as prescribed by physicians.

While the FDA spokesman suggested that "emergency use" might be for pregnancies conceived through rape or incest, the actual terms of the ruling make no limitations on the doctor's judgement of what is an emergency. In fact, the spokesman explained that the FDA is now in the process of drafting a new DES/MAP label which will tell doctors that it is "safe and effective".

DES has acquired a reputation as a cancer-inducing agent in a long and controversial battle by comsumer, health and women's groups to have it banned. About a year ago, the use of DES as a growth stimulator in cattle was banned by the FDA because it was learned that at least 100 women--daughters of women who had taken DES in pregnancy to prevent miscarriages--were beginning to develop vaginal cancer now, some 20-30 years later. The evidence against DES was strong enough to warrant the head of the National Cancer Institute to call for the banning of DES in cattle feed and through skin implants (which gradually release the hormone from a capsule placed under the cattle's skin).

Since that time, the focus of the battle has shifted to the use of DES as a morning-after contraceptive. Although the FDA had not yet approved it for such use, the Morning After Pill was becoming increasingly popular in the past year, especially in university health clinics. It is estimated that more than 2 million women have been exposed to DES in the MAP during the past few years.

These clinics administer the pill without even an investigation of the woman's health records, to see if any conditions might exist which would prohibit its use. The Health Research Group, a group which works with consumer advocate Ralph Nader, commented in a report on the MAP:

"Doctors have issued the drug without determining the family and individual history of estrogen exposure and cervical or breast cancer and even without attempting to determine whether the patient is already pregnant from a prior intercourse. Most of the women surveyed received no follow-up of any kind, not even to determine if it had prevented pregnancy.

The FDA based it approval on the assumption that the doses of DES involved in the MAP were not proved to be large enough to cause cancer (the pill calls for two 25 mg. pills each day for five days) and on their "recommendation" that the MAP not be used as "repeated therapy".

However, the FDA's assurances are far from comforting in the light of the increased prescription of the MAP by doctors in the past few years. As Eli Lilly Pharmeceuticals, the largest single producer of DES, pointed out, in a statement on the FDA ruling, it is now up to the medical profession to determine how DES is used and that it will continue to supply the drug. "We don't expect this [the FDA announcement] will make a significant change in Lilly's sales or profits," a Lilly spokesman said.

It is understandable that, given the FDA's green-light, doctors are not going to be tight-fisted in their prescription of the MAP, especially when each visit can bring a high fee, for very little effort.

The great danger is that some doctors in every community--the same ones who gain reputations as diet doctors because they administer amphetimines for dieting at high fees and without supervision--will develop "MAP practices", encouraging women to use the MAP anytime other contraceptive methods are either forgotten or not used. And, if

WHAT YOU CAN DO ABOUT THE MAP

According to a spokeswoman from the Health Research Group (HRG) the only way that the use of the MAP can be controlled now is "by local action". She recommended that local groups--women's groups and health groups--band together to force local clinics to at least warn women of the dangers of the MAP.

One plan she laid out was that these groups prepare a "MAP consent form" which would explain all the risks involved in taking the pill and list what things the doctor should look for in a medical exam before prescribing it including: that the woman is in mid-cycle (that is to at least be reasonably sure that she could be pregnant), a sperm check to be sure that sperm were present; a family background with any history of genital or breast cancer.

These groups should pressure clinics--especially university clincs which have been prescribing the MAP freely--to have women sign these forms before a doctor prescribes the pill. This hopefully would solve the common problem of doctors too busy to take the time to inform his patients about the MAP.

Many university health services have been prescribing the MAP almost indiscriminately, according to HRG.

The following is a list of only a few of the university clinics known to be using it: Oregon State, University of Vermont, UCLA, California State, University of Oregon, University of Michigan, University of Minnesota, Harvard, Yale, and Princeton.

A full list can be obtained from the Health Research Group in Washington. Their phone number is 202-872-0320.

women are not informed of the risks involved, many may come to rely on the MAP, imagining it to be better than the alternatives--taking a birth control pill every day or having a foreign object in their uterus (IUD) or using the less effective diaphragm.

Women who think they may have to use the MAP should: find a reputable doctor or clinic to prescribe it and make sure that all the risks are explained in detail. They should also make sure that a complete medical history is taken to discover any circumstances which might preclude her using MAP safely.

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"ROSES IN THE SNOW": QUEBECOIS JURY FREES FLQ PARTISAN

by Mark Wilson

MONTREAL (LNS)--Jacques Rose, a member of the underground Front de Liberation du Quebec (FLQ), that kidnapped and executed Quebec Minister of Labor Pierre Laporte in October 1970 was set free February 22 after a jury of 12 Quebecois women and men acquitted him of murder.

Their verdict brought the state machinery to the end of the road in its attempt to keep Rose behind bars. Rose had been held for more than two years in a cell designed for a maximum detention of two weeks without a conviction.

Another jury had acquitted him of kidnapping last December, after an earlier kidnapping trial had ended with the jury hung 11 to 1 for acquittal.

Rose never denied he was a member of the cell that had abducted the minister, and repeatedly expressed solidarity with its other three members, among them his brother Paul. The four had been arrested together at a farm house where they were hiding, and the circumstantial evidence against Rose was considerable.

But the Canadian government could not produce enough direct evidence, and a string of Quebecois juries have continually refused to bring in guilty verdicts against political prisoners of the "October crisis" except where evidence was direct and a full defense could not be mounted.

From the charges brought against the hundreds of people rounded up in the wake of the kidnapping only three convictions have been secured--against Paul Rose and the other two memebers of his cell.

Their trial was hurried through while the only lawyer they trusted, Robert Lemieux, was himself in jail on a sedition charge, and their style of conducting their own defense led judges to expell them from the courtroom.

Some members of another cell that kidnapped British diplomat James Cross in Montreal at the same time, got safe passage to Cuba in December 1970 in return for the release of their hostage.

As Jacques Rose's jury brought in the final verdict, cries of joy erupted in the courtroom packed with supporters, and Lemieux exclaimed: "There will be roses in the snow in Quebec this winter."

The jurors walked across to the prisoner's box to shake hands with Rose, who told them: "You have understood what solidarity is--the essence of the life of a people. I thank you."

Rose, a 27 year old carpenter and deisel mechanic, called the decision a "light in the dark, an inspiration for other Quebecois who want to fight for the liberation of Quebec."

"In prison, I always thought that one day I would be freed, I grieve for all the patriots who are still in the penitentiary. But I am sure with the mood of the people they will one day be freed."

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CONTEMPT CHARGES AGAINST McSURELYS DROPPED: 5 1/2 YEAR FIGHT ENDS IN VICTORY

WASHINGTON,DC(LNS)-- The Justice Department announced on February 20 that it is dropping all charges against Alan and Margaret McSurely, who had been charged with contempt of Congress in a five and a half year controversy that stemmed from their organizing efforts against strip mining in Eastern Kentucky.

The 20th was the deadline for the Government to appeal to the Supreme Court a lower court decision acquitting the McSurelys of contempt for refusing a subpoena of the Senate Permanent Subcommittee on Investigations (the Senate's witch-hunting arm, equivalent to the House's HUAC). The subpoena demanded that they turn over personal papers to the committee. The date passed without the Government filing the appeal and a Justice Department spokesman said that that would be the end of the case.

The McSurelys went into Eastern Kentucky in 1967 as field workers for the Southern Conference Educational Fund's(SCEF) Southern Mountain Project. They and other mountain volunteers supported the refusal of Jink Ray, a Pike County resident, to allow a strip mining bulldozer on his property.

The dispute was the climax of much local bitterness against many coal companies operating in the region and attracted national attention. Then Governor Edward N. Breathitt was finally forced to suspend the strip-mine operator's permit.

A short time later, on August 11, 1967, the Pike County Commonwealth's Attorney, Thomas B. Ratliff, a former mine operator who was then a Republican candidate for Lieutenant Governor, led a night-time raid of sheriff's deputies on the McSurely house.

Ratliff was armed with a warrant charging the McSurelys with "creating turmoil among the poor," spreading "Communistic theory" and plotting to overthrow the government of Pike County in violation of Kentucky's anti-sedition law.

It took their lawyers only a matter of weeks to obtain a Federal court ruling that declared their arrest and the state sedition act were illegal. The McSurelys, however, had already been held in jail for a week.

The material that was seized from their house included works by Marx and Tolstoy, a poster of Che Guevara and all of their personal papers, including the names and addresses of their friends.

The Federal court ruled that the raid was clearly "instituted, at least in part, in order to stop their organizing activities in Pike County." The confiscated material, however, remained in Ratliff's hands pending appeal. It was Ratliff that invited Congressional committees to review the material.

Just as they were getting their belongings back, the McSurelys were subpoenaed in October, 1967, to appear before the Senate subcommittee which was then investigating urban disorders. They were ordered to bring some of their papers with them. They appeared before the committee but refused to provide the papers.

As a result the Mcsurelys were convicted of Contempt of Congress in 1970. The appeals court reversed the decision last December, holding that the McSurelys' home had been illegally "ransacked."

Reached at his home in Arlington, Virginia, Alan, who is a 30-year-old part-time school teacher, called the court's decision "hardly justice after almost six years of senseless persecution." He said that he and Margaret are filing a $1 million damage suit against Ratliff; Sen. John McClellan, and three of the Senator's sub-committee aides.

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10,000 PROTEST NIXON BUDGET CUTS IN WASHINGTON DEMONSTRATION

WASHINGTON (LNS)--Over 10,000 people gathered in Washington February 20 in a massive lobbying effort and demonstration to protest President Nixon's proposed severe budget cuts for social programs. Under Nixon's plan, the Office of Economic Opportunity (OEO) would be dismantled and there will be cuts in spending for education, health, veterans' benefits, public housing and welfare.

The demonstrators were mostly third world women from many parts of the country. A lot of them were from Community Corporations which are federally-funded programs under the OEO developed in the mid-sixties to create jobs in response to urban riots. What happens when even these minimally effective prgrams are closed out? As one person who works with one of the Community Corporations in Brooklyn, NY, said, "As of June 30, if Nixon's budget goes through, thousands of people will be out of work and at the same time Vietnam veterans will be returning. I anticipate a somewhat tumultuous situation."

Or as Ralph Abernathy, one of the speakers at the rally put it, "King Richard may as well as get ready for a long hot summer."

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"Today the whole country is exploding with joy
At the news of history adding new Dien Beins to
old glories....."
--from a poem by Tran Tien Dat

DEFENSE OPENS IN RUCHELL MAGEE TRIAL: PROSECUTION TESTIMONY SHOWS MANY FLAWS.

by Bob Barker
LIBERATION News Service

SAN FRANCISCO (LNS) -- After two and a half years of pre-trial motions, six weeks of jury selection and five weeks of prosecution testimony, the legal defense of Ruchell Magee has finally begun in the San Francisco Hall of Justice.

The defense, to be presented before Reagan appointee Judge Morton R. Colvin and a jury of 9 whites and 3 blacks in a courtroom with a bullet proof screen and patrolled by riot squad police with automatic weapons, represents what will perhaps be the final chapter in the confusing story of the August 7, 1970 Marin County courthouse escape attempt.

On that Friday two and a half years ago, 17-year old Jonathan Jackson entered the courthouse with a valise full of guns and railroad flares taped together to look like dynamite. Inside the ultra-modern courtroom the trial of James McClain, a 37-year old black prisoner charged with stabbing a guard at San Quentin was taking place. Also in the courtroom were William Christmas, 37, and Ruchell Magee, 31, fellow prisoners there to testify in McClain's defense.

At a point during the day's proceedings, Jackson stood up and said: "This is it gentlemen. I've got an automatic weapon, everybody freeze." Jackson quickly armed the three prisoners and took as hostages Judge Harold J. Haley, Assistant D.A. Gary Thomas and several jurors. "Call off your dogs," Jackson told Haley as he and the others pushed the hostages into a rented van waiting outside.

But according to witnesses, the guards opened fire and in the next few minutes Jackson, McClain Christmas and Haley were dead and the assistant D.A. and Magee seriously wounded. Who did what shooting and killed whom is not at all clear. But being the only prisoner to survive the shoot-out Magee is charged with the murder of Haley, and kidnapping.

The crux of the prosecution's case has been to portray Magee as a moronic madman. At the center of the state's campaign, which the establishment press has bought whole hog, has been a mysterious IQ score constantly produced from Magee's San Quentin records to prove he is a "moron."

As well as using this thinking to back up the charge that Ruchell is a wanton killer, the state has used it to prevent Magee from acting as his own lawyer and thus minimize the access he has to the court, the press and thus to the people.

State prosecutor Albert Harris, who unsuccessfully tried Angela Davis for her alleged role in the Marin shoot-out, once told newsmen, "The defendant's below average intelligence, his subnormal education, and his indispostion towards the courts of law do not adequately equip him to save his own life."

By denying him access to the press (several major newsmen have recently filed a suit charging

that not being allowed to interview Magee is a violation of their first amendment rights as journalists) to refute such statements, and by giving him court appointed lawyers he can't trust, the state has continually put Magee in a position where he must "disrupt" the court in order to assure that some attention is given to the issues to his case.

The mass media, of course, seizes upon these "outbursts"and uses them to further the notion that he is "insane." "If one reviews history," noted Magee and fellow prisoner Fleeta Drumgo recently, "it is one of the basic principles of racism...that blacks are portrayed as illiterate, ill-mannered and the like."

The state has continually refused to allow Ruchell to present his own case since he was first arrested on a $10 robbery charge in 1963. Magee has charged that the courts have "used fraud to hide fraud to strengthen fraud" in its attempts to keep him from exposing that false arrest. Over those years, no court would hear his thousands of pages of handwritten appeals concerning his case. (Since being in prison he has become a proficient jailhouse lawyer who has helped other inmates with their legal work.)

This tactic of the state's has been a vital part of the prosecution's case against him. The case against Magee is built mostly around the testimony of assistant D.A. Thomas, a man whose dramatic appeal in the courtroom comes from the fact that he is confined in a wheelchair because of a bullet that severed his spine during the shoot-out.

In his testimony Thomas quoted Magee as saying: "Let's kill them all right now," though it was later proved that Thomas, who is married to Haley's niece, was lying under a table at the time the hostages were being rounded up and could see only feet and hear voices.

The testimony of a half dozen prosecution and defense witnesses, though, is that Magee never came near the area where the hostages were being selected and that his only words during the whole affair were: "Take these cuffs off me, I've got to be free," to a San Quentin guard, and "Don't worry they won't take your baby," to a young couple in the rear of the courtroom.

When the shoot-out ended, Thomas was taken from the getaway van, severely wounded, shouting "I killed them all, I killed them all."

His account of what happened inside the van is the heart of the state's case. According to him Jackson, who was in the driver's seat, stuck a gun out the window and fired at a guard, bringing his hand in wounded, and thereby justifying the barrage of shots from law enforcement officers. Magee then fired a sawed-off shot gun taped to Haley's neck, blowing away half of the judge's face. Thomas claims he then grabbed Jackson's gun and shot Jackson, McClain, Christmas and Magee before being hit himself.

Magee's court appointed lawyer, Robert Carrow, by cross-examining other prosecution witnesses, exposed serious flaws in Thomas' testimony. First by using a prosecution "shock photo" of Haley lying dead in the escape van, Carrow noted that there was no blood anywhere around the gaping hole in his face, not even on his white shirt collar, suggesting that he was dead before he received the head wound.

Under cross-examination the prosecution's pathologist admitted that Haley may have died from a chest wound (caused by a .38 caliber bullet, the caliber that the guards had), but said his personal feeling was to the contrary. Defense pathologists who dug up the body over a year later, said that there was no question that the chest wound was fatal, noting that over two quarts of blood were found in the lungs near the wound.

Furthermore, as Carrow showed in a dramatic demonstration involving the positioning of bailiffs on the floor, Thomas' testimony places Magee too far away from Haley inside the van to have been able to hold the gun to the right side of Haley's face.

Crucial pieces of evidence have also turned up "missing" -- the tape which held the shotgun to Haley's neck, the 30-30 rifle with which San Quentin guard John Mathews says he shot Jackson, McClain and Christmas, and the .38 caliber pistol fired by a guard at the van.

Also, the gun which the state claims Christmas used to shoot Haley in the chest, was taken home over night after the shoot-out, according to its owner, a Marin county deputy sheriff. He claims that he didn't notice until the next morning that it had been fired six times after it was taken from him by the escapers.

Carrow also showed that the state pathologist "accidentally" reversed the entry and exit wounds on Jackson and Christmas in his report, fitting the reports into Thomas's story, and only changing them a year later when it became clear from the clothing that he had been "wrong" initially.

No one may ever know exactly what happened inside the van, but Carrow, through careful cross-examinations, made it clear that Thomas didn't. During the course of the defense , Carrow will attempt to prove that neither Magee nor Christmas fired any weapon at Haley, and that, in any event, Haley received the shot gun wound after he was dead. The confusion of the situation will be used to challenge that nothing can be proved "beyond a shadow of a doubt."

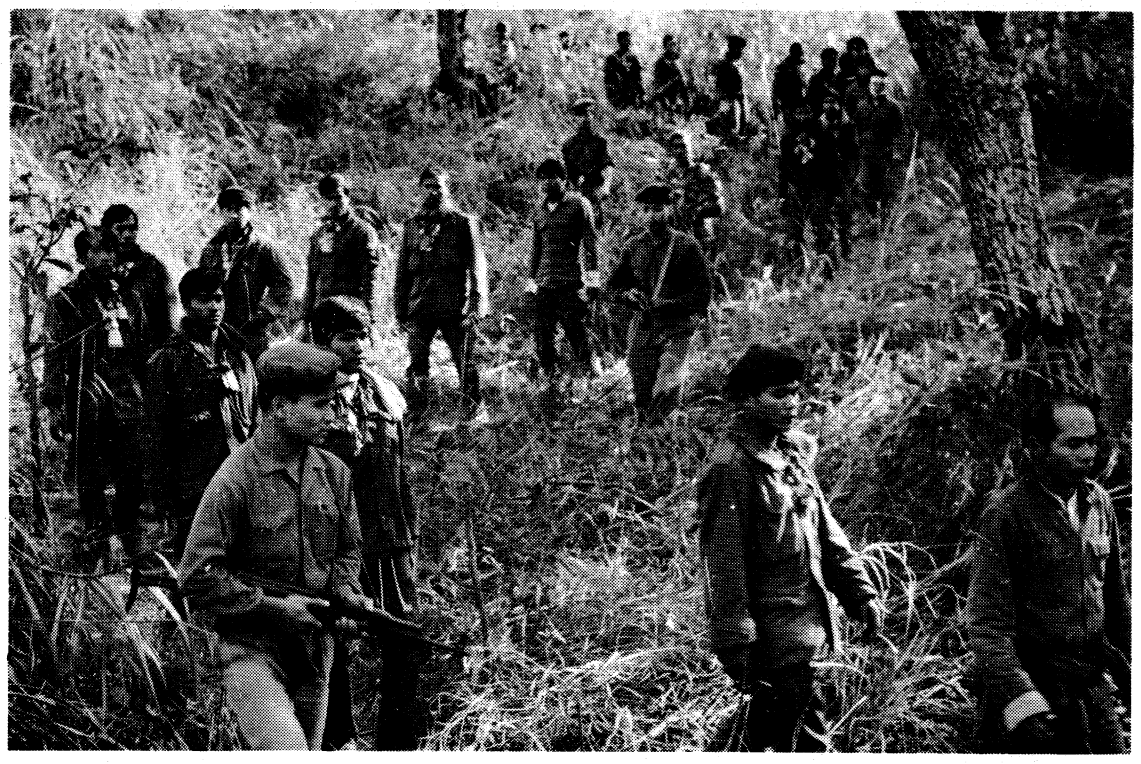
Through investigations, the defense contacted 80 people that were there on the day of the shoot-out. Twenty-two of those present said they saw the escape clearly, but only 9 said that they saw enough to determine who shot first. All nine of them will testify that it was the guards that first opened fire.

The defense will try to show that the guards did, in fact, open fire first, obeying the incredible San Quentin "hostage rule" which says that the lives of hostages are to be disregarded during an escape attempt. This rule has been justified by a San Quentin guard on the grounds that "once inmates understand that such a policy is in force, they will think before they do these things."

But But more importantly, inresponse to the kidnapping charges, the defense will try to convince the

(CONTINUED ON INSIDE FRONT COVER) --

on to the graphics.

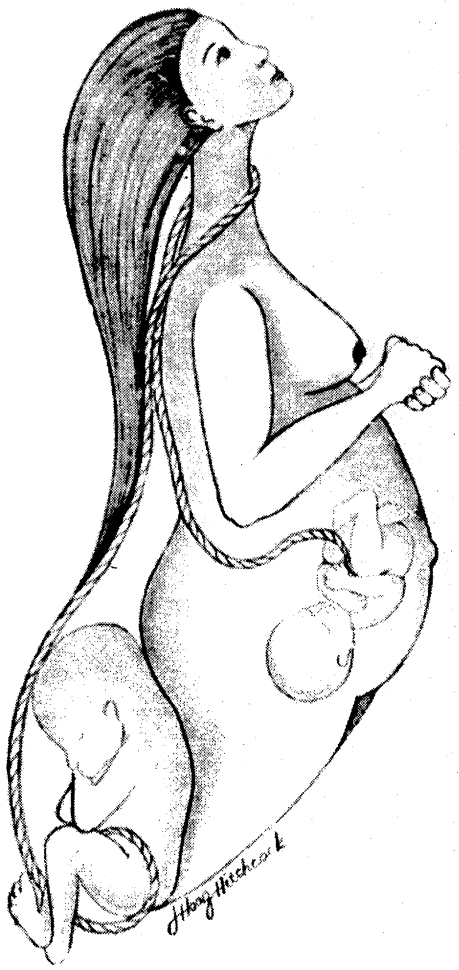


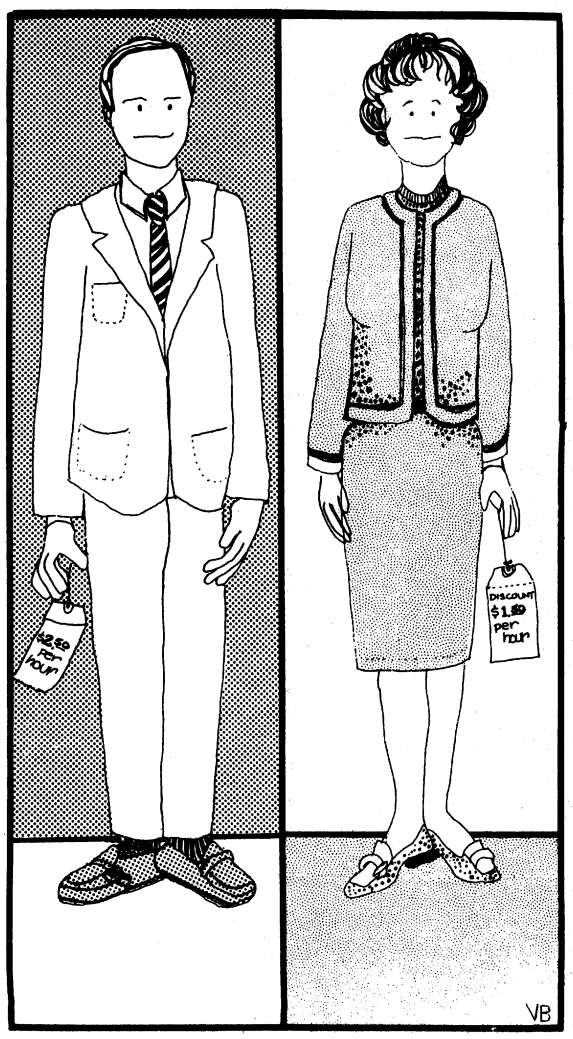
TOP RIGHT: Wreckage of U.S. plane shot down over Laos.
SEE STORY ON PAGE 3.
CREDIT: LNS

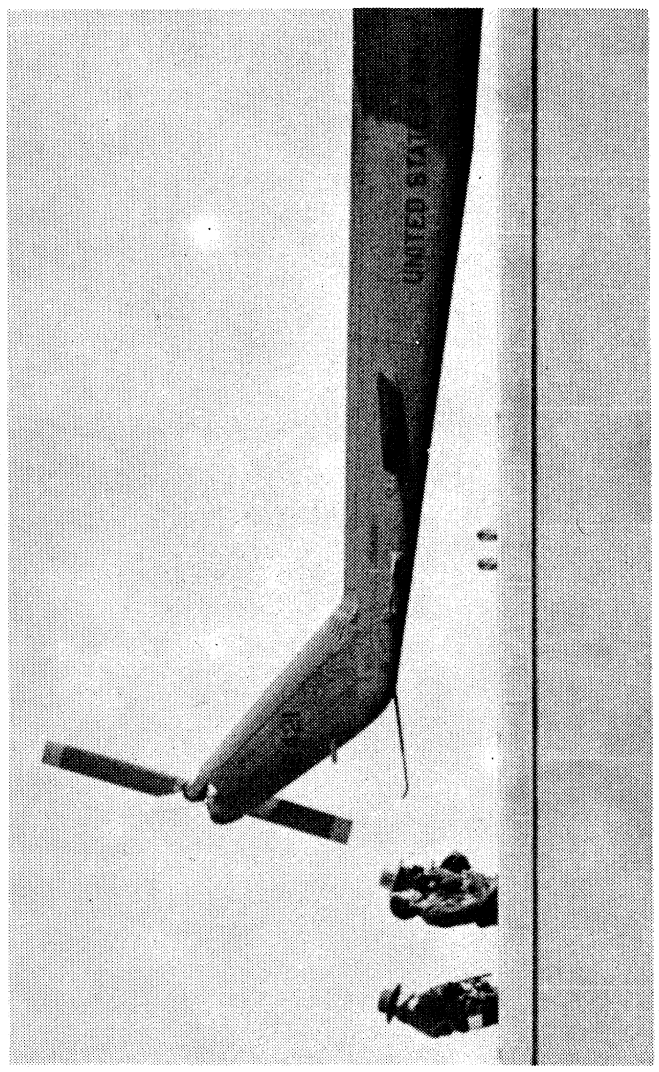
TOP LEFT: Self-defence unit of the secondary medical school in the liberated zone of Laos.
SEE STORY ON PAGE 3.
CREDIT: LNS

BOTTOM RIGHT: Captured mercenary soldiers from Thailand being led by Pathet Lao troops in Laos.
SEE STORY PAGE 3.
CREDIT: LNS

BOTTOM LEFT: A woman caring for children in a cave in Laos where they stay to protect themselves against U.S. bombing.
SEE STORY ON PAGE 3.
CREDIT:LNS


Mary Hitchcock


$2.50 per hour
DISCOUNT $1.50 per hour
VB


UNITED STA

TOP: Prisoners behind bars.
CREDIT: PAMOJA VENCEREMOS/WORKERS WORLD/LNS

MIDDLE RIGHT: Downed B-52 in North Vietnam.
See story on page 5.

MIDDLE LEFT: Woman tied up with motherhood.
CREDIT: FEMALE LIBERATION/EQUAL TIME/LNS

BOTTOM RIGHT: Photo of Ruchell Magee and two sheriff's deputies on the roof of the San Francisco Hall of Justice where his trial is taking place. Each day he is brought to and from San Quentin Prison by helicopter.
SEE STORY ON PAGE 11.
CREDIT: Connie Hwang/LNS

BOTTOM LEFT: Equal work, unequal pay.
CREDIT: EQUAL TIME/LNS